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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,179	06/05/2001	Ko-Meng Chen	MR2349-647	5729

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EXAMINER

BAUGH, APRIL L

ART UNIT PAPER NUMBER

2141

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/873,179

Applicant(s)

CHEN, KO-MENG

Examiner

April L. Baugh

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant amended claims 1 and 2, and claim 10 was canceled. Therefore claims 1-9 are now pending.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2002/0143924 to Iga in view of Schmidt (US Publication 2002/0199120) and further in view of Wagner et al (US 2003/0191955).

Regarding claim 1, Iga teaches a method for updating firmware of an information apparatus by e-mail, comprising following steps: (a) a computer vendor for the information apparatus preparing an update program; (b) the update program is attached to an e-mail sent to the information apparatus to be updated (page 3, section 0038 ); (c) the content of the e-mail is discriminated if the update mode information apparatus is in enabled; (d) if a filename in content

Art Unit: 2141

type of the e-mail is matched with a file required for update, the information apparatus to be updated receives the e-mail (page 1, section 0005 and page 4, section 00444), (e) the attached file is examined after the e-mail is received; (f) the attached file executes update operation if the examination is correct (page 1, section 0004 and 0009).

Iga does not teach (c) a content type of the e-mail is discriminated prior to reading; (d) responsive to a match in filename indicated by the content type discrimination of the e-mail with a file, the information apparatus receives the e-mail. Schmidt teaches (c) a content type of the e-mail is discriminated prior to reading; (d) responsive to a match in filename indicated by the content type discrimination of the e-mail with a file, the information apparatus receives the e-mail (page 3, section 0027 & 0032-0033). Therefore it would have been obvious to modify the printer, control, method, which stores printer control program of Iga by (c) a content type of the e-mail is discriminated prior to reading; (d) responsive to a match in filename indicated by the content type discrimination of the e-mail with a file, the information apparatus receives the e-mail because this enables an updating firmware by email in a secure, safe manner that protects the system.

Iga in view of Schmidt does not teach (e) the attached file is examined after the e-mail is received. Wagner et al. teaches (e) the attached file is examined after the e-mail is received (abstract, page 2, section 0025, page 3, section 0040, page 5, section 0068, page 6, section 0081). Therefore it would have been obvious to modify the printer, control, method, which stores printer control program of Iga in view of Schmidt by (e) the attached file is examined after the e-mail is received because this further enables an updating firmware by email in a secure, safe manner that protects the system.

Art Unit: 2141

Regarding claim 2, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein the update program in step (a) is stored in a binary file (page 3, section 0038 and 0040).

Regarding claim 3, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (b) the e-mail is sent to the e-mail address of the information apparatus to be updated (page 3, section 0039 and page 4, section 0042).

Regarding claim 4, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (a) the update program has a filename associated with the information apparatus to be updated (page 1, section 0009 and page 3, section 0038).

Regarding claim 5, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (b) the information apparatus to be updated is connected to Internet (page 1, section 0001).

Regarding claim 6, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 5, wherein in step (b) the information apparatus to be updated is a fax or a printer (page 1, section 0004).

Regarding claim 7, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (b) the information apparatus to be updated is a computer used with an application program (page 2, section 0030).

Regarding claim 8, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (c), the e-mail is read as ordinary mail if the

Art Unit: 2141

update mode information apparatus is not enabled (page 3, section 0030 and page 4, section 0044).

Regarding claim 9, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (c), the content of the e-mail is discriminated with the content type in the MIME format thereof (page 5, section 0048).

### *Conclusion*

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L. Baugh whose telephone number is 571-272-3877. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

Art Unit: 2141

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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